

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CRIMINAL ACTION NO. 5:09-CR-00027-RLV-DCK**

UNITED STATES OF AMERICA,

v.

BERNARD VON NOTHAUS,

Defendant.

**IN RE: PETITION OF JEFFREY
FRENCH**

ORDER

THIS MATTER IS BEFORE THE COURT on the First Petition and Second Claim and Petition of Jeffrey French (Doc. Nos. 513 & 753). The Government has moved to grant-in-part and dismiss-in-part Petitioner's claims. [Doc. Nos. 756 & 768]. Based on the following, this Court **GRANTS** the Government's motion and hereby **GRANTS-IN-PART** and **DENIES-IN-PART** Mr. French's petitions. *See* [Doc. Nos. 513 & 753]. In support of this Order, the Court **FINDS AS FOLLOWS:**

Petitioner French previously submitted the First Petition claiming a variety of items. The Government filed a Motion to Grant-in-Part and Dismiss-in-Part the Petition (Doc. No. 667). The Government did not contest Petitioner's claim to twenty Ron Paul copper rounds, one Kamehameha Dala, one King Dala, one Queen Dala, and one Princess Dala. However, the Government opposed the remainder of the First Petition. Therefore, on December 22, 2015, the Court ordered (Doc. No. 742) the items subject to the unopposed claims be returned to Petitioner, and dismissed the claims opposed by the Government. Although the Government also had not

contested Petitioner's claim to five silver Ron Paul coins, these five silver Ron Paul coins were not ordered returned to Petitioner or otherwise addressed in the Order.

Petitioner later filed a Second Petition. [Doc. No. 753]. The Government filed a Motion and Amended Motion to Grant-in-Part and Dismiss-in-Part the Second Petition. *See* [Doc. No. 756 & 768]. In early January 2016, Petitioner contacted the Government and advised it that his health and personal problems had led him to inadvertently omit items from his First Petition. Petitioner advised that he sought to claim the following items identified in his Second Petition and attachments: Twenty more Ron Paul copper rounds; One \$20 Princess Dala (1 ounce silver); One \$10 Warrior Dala (1/2 ounce silver); One \$5 Discoverers Dala (1/4 ounce silver); and a "defense" special Liberty coin. Further, in those communications, and in the Second Petition, Petitioner notified the Government that he was not granted, but should have been granted, five silver Ron Paul coins in the initial Order on his First Petition. The Government agreed not to contest the timeliness of the Second Petition, even though the time period for filing claims has expired.

Thus, pending before this Court are (1) the initial unresolved claim in the First Petition for five silver Ron Paul coins; and (2) the Second Petition's claims for twenty more Ron Paul copper rounds; one \$20 Princess Dala; one \$10 Warrior Dala; and one \$5 Discoverers Dala; and a defense special Liberty coin. The Government represents that it is in possession of the silver and copper Ron Paul coins and the Dalas. The Government concedes that the Petitioner has stated a viable claim under penalty of perjury for such items, and that such items are not contraband. Therefore, the Government does not object to Petitioner's claim for such items, and has moved for an order granting the Second Petition, in part, pursuant to 21 U.S.C. § 853(n) and Fed. R. Crim. P. 32.2. However, the Government has not located any "defense" Liberty coins in the seized items, and therefore has opposed that portion of the Petition.

IT IS, THEREFORE, ORDERED that, for the reasons set forth herein, the First Petition of Jeffrey French is **GRANTED-IN-PART**, such that five silver Ron Paul coins shall be turned-over to Petitioner upon issuance of a final order in this case. Further, the Second Petition of Jeffrey French is **GRANTED-IN-PART**, such that the following items shall be turned-over to Petitioner upon issuance of a final order in this case: Twenty more Ron Paul copper rounds; One \$20 Princess Dala (1 ounce silver); One \$10 Warrior Dala (1/2 ounce silver); and One \$5 Discoverers Dala (1/4 ounce silver). However, to the extent that the Second Petition asserts an interest in a “defense” special Liberty coin that is not in the Government’s possession, or subject to this ancillary proceeding, the Second Petition is **DENIED** and **DISMISSED** for failure to state a claim upon which relief can be granted. Distribution of property by the United States to the Petitioner shall not occur until a Final Order of Forfeiture is entered by the Court.

SO ORDERED.

Signed: August 2, 2016

A handwritten signature in black ink, reading "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees
United States District Judge

